

**Remarks/Arguments**

In the Office Action, the Examiner noted that claims 14-28 are pending in the application and that claims 16 and 22 have been withdrawn. The Examiner further noted that claims 1-15, 17-21 and 25-28 stand rejected and that claims 23 and 24 are allowed. By this response, claims 14-15, 17-21, and 25-26 have been cancelled and claims 23, 24, 27 and 28 are amended to place these claims in condition for allowance as pointed out by the Examiner.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of the claims now presently in the application are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicant believes that all of these claims are now in allowable form.

**Rejections**

**A. 35 U.S.C. § 102**

The Examiner rejected the Applicant's claims 14-15, 18-19, and 25-26 under 35 U.S.C. § 102(b) as being anticipated by Kulakowski et al. (US Patent No. 5,233,584, hereinafter "Kulakowski").

The Applicant has herein cancelled claims 14-15, 18-19, and 25-26. Having done so the Applicant submits that the basis for the Examiner's rejection of the Applicant's application under 35 U.S.C. § 102(b) has been removed. As such the Applicant respectfully requests that the Examiner's 35 U.S.C. § 102(b) rejection of the Applicant's invention be withdrawn.

**B. 35 U.S.C. § 102**

The Examiner rejected the Applicant's claims 21, 27, and 28 under 35 U.S.C. § 102(b) as being anticipated by Kulakowski et al. (US Patent No. 5,233,584, hereinafter "Kulakowski"). The rejection is respectfully traversed.

The Applicant has herein cancelled claim 21. Having done so the Applicant submits that the basis for the Examiner's rejection of the Applicant's claim 21 under 35 U.S.C. § 102(b) has been removed. As such the Applicant respectfully requests

that the Examiner 35 U.S.C. § 102(b) rejection of the Applicant's invention with respect to claim 21 be withdrawn.

In addition, the Applicant has herein amended claim 27 to depend from the Applicant's claim 23, which has been rewritten in independent form and which is allowable as indicated by the Examiner. As such, the Applicant submits that at least because the Applicant's claim 23 is allowable, as indicated by the Examiner, that the Applicant's claim 27, which depends directly from the Applicant's allowable claim 23, is also allowable.

Even further, the Applicant has amended claim 28 to include the technical limitations of claim 23, which the Examiner indicated as allowable. More specifically, the Applicant has herein amended claim 28 as follows:

“An apparatus equipped to perform the method of claim 23, comprising:  
- reading means for reading payload blocks and a replacement block for a defect payload block, wherein the replacement block is read and buffered and further payload blocks are read until the defect block is detected;  
- recovery means for recovering the defect block by using the read and buffered replacement block;  
- skipping means for skipping the already read blocks; and  
- control means for causing the reading of not yet read payload blocks to be continued.” (emphasis added).

More specifically, in the Final Office Action, the Examiner indicated that the technical limitation of claims 23 that makes claim 23 allowable include all of the technical limitations of claim 23 and especially “wherein the replacement block is read and buffered and further payload blocks are read until the defect block is detected”. As such, the Applicant has herein amended claim 28 to also include all of the technical limitations of claim 23 in addition to the original technical limitations of claim 28. As such, the Applicant submits that at least because the Applicant's claim 23 is allowable, as indicated by the Examiner, that the Applicant's claim 28, which includes all of the technical limitations of allowable claim 23, is also allowable.

### **C. 35 U.S.C. § 103**

The Examiner rejected the Applicant's claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Kulakowski as applied to claim 14 and further in view of Murillo et al. (US Patent No. 7,203,896, hereinafter “Murillo”).

The Applicant has herein cancelled claim 17. Having done so the Applicant submits that the basis for the Examiner's rejection of the Applicant's application under 35 U.S.C. § 103(a) has been removed. As such the Applicant respectfully requests that the Examiner's 35 U.S.C. § 103(a) rejection of the Applicant's invention be withdrawn.

Conclusion

The Applicant thanks the Examiner for pointing out allowable subject matter. Consequently, the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. As such, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

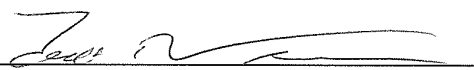
If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

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